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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,836	12/20/2001	Jung-Gug Pac	1293.1275	1469
21171	7590	10/14/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ORTIZ CRIADO, JORGE L	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/022,836	PAE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jorge L. Ortiz-Criado	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 11, 12 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Invention of Group I, Species I (figure 6), claims 1,2,9,10,13 and 14 in the reply filed on 09/22/2005 is acknowledged.

Claims 3-8, 11,12 and 15-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/22/2005.

### *Drawings*

2. Figures 4 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1,2,9,10,13 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art (hereinafter AAPA).

In regard to claim 1, AAPA discloses an optical pickup for use with a disc, comprising: a blade (2) on which an objective lens (1) is mounted and which is movably supported with respect to a holder (8) by an elastic support (6); a focus coil (3) and a tracking coil (4) mounted on the blade; a magnet (10) generating an electromagnetic force driving the blade in focusing and tracking directions of with respect to the disc, the electromagnetic force generated by current flowing through at least one of the focus and tracking coils (see page 1, [004]); wherein the magnet is displaced a predetermined distance from a center line of the blade such that the electromagnetic force acts on the blade asymmetrically (It is inherent that a displacement of the magnet causes asymmetric electromagnetic force)

In regard to claim 2, AAPA discloses wherein the magnet is displaced in a radial direction of the disc toward the outer circumference of the disc (see Fig. 1)

In regard to claim 9, AAPA discloses an optical pickup for use with a disc, comprising:  
a blade (2) on which an objective lens (1) is mounted and which is movably supported with respect to a holder (8); a focus coil (3) and a tracking coil (4) mounted on the blade; a magnet (10) generating an electromagnetic force driving the blade in focusing and tracking directions of with respect to the disc, the electromagnetic force generated by current flowing through at least one of the focus and tracking coils (see page 1, [004]); a supporting unit (6) supporting the blade to tilt around an axis of the blade as the blade moves in the focusing direction (see Figs. 2-5)

In regard to claim 10, AAPA discloses an optical pickup for use with a disc, comprising:  
a blade (2) on which an objective lens (1) is mounted and which is movably supported with respect to a holder (8); a focus coil (3) and a tracking coil (4) mounted on the blade; a magnet (10) generating an electromagnetic force driving the blade in focusing and tracking directions of with respect to the disc, the electromagnetic force generated by current flowing through at least one of the focus and tracking coils (see page 1, [004]); a unit (6) moving the blade to tilt around an axis of the blade as the blade moves in the focusing direction (see Figs. 2-5; [008]-[0012])

In regard to claims 13 and 14, Claims 13 and 14 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above. Claims 13 and 14 however also recite the following limitations

a turntable (11); a motor (12); (see Fig., 1)

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No(s): 5,787,067; 5,128,806; 5,881,033; 5,488,603

J.P. Publication No(s): 11-339294; 04-351722; 2000-030275; 2000-057600; 11-273104.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**W. R. YOUNG  
PRIMARY EXAMINER**

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